Remarks/Arguments

A Request for Continued Examination (RCE), including the required fee therefor, is being filed herewith.

A petition for a two month extension of time and requisite fee therefor is also filed herewith, extending the deadline for response up to and including October 18, 2005.

The above-identified application has been carefully reviewed and amended in light of the Examiner's communication mailed May 18, 2005.

Applicant has amended claims 1, 18 and 22 in order to more clearly define the present invention. Applicant expressly reserves the right to seek patent protection for the original claims and/or for all other claims supported by the above-identified application in one or more related applications.

Applicant submits that the amendments to the claims and the addition of claims does not add new matter to the application, as each of these features is clearly shown in the Drawings and/or is described in the specification as originally filed.

The Examiner has rejected claim 22 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response, claim 22 has been amended to correct the preamble thereof. Applicant submits that this amendment overcomes the Examiner's indefiniteness rejection.

The Examiner has rejected claims 18 and 20 under 35 U.S.C. 102(b) as being anticipated by British document (1475682), and has rejected claims 1-4, 6,7, 9, 10, 11, 12, 13-15, 17 and 22 under 35 U.S.C. 103(a) as being unpatentable over British document. Applicant traverses these rejections as they pertain to the present claims.

Independent claim 1, as amended, is directed to a method of stabilizing a surface. The method comprises the steps of

disposing a porous element on a surface to be stabilized and depositing a flowable material onto the porous element, said flowable material entering openings defined within said porous element. The flowable material comprises a mixture of fibers and a polymeric bonding material. The method further comprises allowing the flowable material to solidify, thereby forming a microclimate favorable to growth of vegetation from said surface through said porous element.

Independent claim 18, as amended, is directed to a system for stabilizing a surface prone to soil erosion. The system comprises a three-dimensional fibrous erosion control blanket disposed on a surface, and a solidified porous matrix material comprising a mixture of fibers and a polymeric bonding material. The matrix material is bonded to and incorporated within the blanket. The system is made by placing the fibrous erosion control blanket on a surface prone to erosion, hydraulically applying the matrix material to the blanket while the matrix material is in a fluid state, and thereafter allowing the matrix material to solidify within the blanket, thereby forming a microclimate favorable to growth of vegetation from said surface through said porous element.

British document (1475682) does not disclose, teach or suggest the present invention. For example, British document does not disclose, teach, or even suggest applying a flowable material to a porous element, the flowable material comprising a mixture of fibers and a polymeric bonding material. Moreover, British document does not even suggest allowing the flowable mixture to solidify, thereby forming a microclimate favorable to growth of vegetation from said surface through said porous element, as recited in present claim 1.

British document discloses a method of forming a protective covering on a ground surface comprising applying a fiber mat to

the surface and spaying a cement grout mixture onto the mat, thereby forming a reinforced cement slab on the surface. Applicant submits that British document does not even suggest applying a mixture of fibers and polymeric bonding material to a porous element and forming a microclimate favorable to growth of vegetation from a surface through a porous element.

The Examiner states that it would have been obvious for one of ordinary skill in the art to modify British document by including fibers in the flowable material, in light of fiber reinforced cement grout, which is a known material.

In response, applicant submits that fiber reinforced cement grout is not the structurally or functionally similar to a mixture of fibers and a polymeric bonding material as recited in the present claims. For example, persons of ordinary skill in the erosion control art do not use cement grout in place of mulching materials comprising polymeric binders.

In view of the above, applicant submits that claim 1 is not anticipated by and is unobvious from British document under 35 U.S.C. 102 and 35 U.S.C 103.

In addition, British document does not show, teach or suggest a system as recited in claim 18. British document does not even suggest a system comprising a fibrous erosion control blanket disposed on a surface and a solidified porous matrix material comprising a mixture of fibers and a polymeric bonding material, the system being made by placing a fibrous erosion control blanket on a surface prone to erosion, thereafter hydraulically applying the matrix material to the blanket while the matrix material is in a fluid state, and thereafter allowing the matrix material to solidify within the blanket, thereby forming a microclimate favorable to growth of vegetation from said surface through said porous element.

In view of the above, applicant submits that claim 18 is not anticipated by and is unobvious from British document under 35 U.S.C. 102 and 35 U.S.C 103.

The Examiner has rejected claims 1-7, 9-15, 17-22 under 35 U.S.C. 103(a) as being unpatentable over British document '682 in view of West et al. Applicant traverses this rejection as it pertains to the present claims.

British document has been discussed above. Applicant further submits that West et al. does not supply the deficiencies apparent in the teachings of British document.

For example, West et al. does not even suggest a method of claim 1 or a system of claim 18, both of which define the invention to include a mixture or matrix material comprising fibers and a polymeric bonding material applied to a porous element on a surface, and the mixture or matrix material forming a microclimate favorable to growth of vegetation from said surface through said porous element.

West et al. teaches a hydraulic binder composition that forms an insoluble binder material when water is added. West does not even suggest applying a matrix material to a porous element disposed on a surface to be stabilized and the mixture or matrix material forming a microclimate favorable to growth of vegetation from said surface through said porous element, as recited in claims 1 and 18.

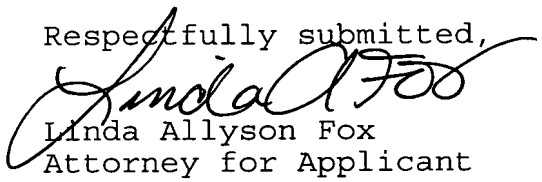
In view of the above, applicant submits that claim 1 and claim 18 are not anticipated by and are unobvious from, both British document and West et al, taken alone and in any combination, under 35 U.S.C. 103.

Furthermore, each of the present dependent claims is separately patentable over the prior art. For example, none of the prior art, taken singly or in any combination, discloses, teaches or even suggests the additional feature or features

recited in any of the dependent claims. Therefore, applicant submits that all of the present claims are separately patentable over the prior art.

In conclusion, applicant has shown that the claims satisfy the requirements of 35 U.S.C. 112, and are unobvious from and patentable over the prior art under 35 U.S.C. 102 and 103. Therefore, applicant submits that the present claims 1-7, 9-15, and 17-22 are allowable, and respectfully requests the Examiner to pass the above-identified application to issuance at an early date. Should any matters remain unresolved, the Examiner is requested to call (collect) applicant's attorney at the telephone number given below.

Respectfully submitted,



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